

The Little Traverse Bay Bands of Odawa Indians Tribal Council
Tribal Court Room 7500 Odawa Circle, Harbor Springs, MI 49740
September 8, 2002
Smudging: 9:15 am
9:30 am

Executive Session: yes

Call to order: Meeting was called to order at 9:33 am

Council present: Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
Treasurer Alice Yellowbank, Secretary Fred Harrington Jr., Councilor Janet Shomin,
Councilor Rita Shananaquet, Councilor Beatrice A. Law

Council absent: none

Staff present: See attached list

Guests: See attached list

Motion made by Vice-Chairman George Anthony and supported by Treasurer Alice Yellowbank, to adopt the agenda as amended for September 8, 2002.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony, to adjourn this meeting by 5 pm.

Vote: 3 Yes, 4 No (Councilor Beatrice A. Law, Chairman Gerald V. Chingwa, Treasurer Alice Yellowbank, Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent

Motion failed

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony, to approve the corrected minutes of August 4, 2002.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Beatrice A. Law, to approve the corrected minutes of August 18, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to accept the Tribal Administrator's verbal and written report for September 8, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to approve salary increases for 23 employees identified by the Tribal Administrator

to meet the wage grid study completed by Michael Goree and to approve a budget increase of \$48,255.00 divided amongst the appropriate budgets to implement the approved wage increases, to come from the Enterprise Fund Governmental Operations Program Support line item.

Vote: 3 Yes, 4 No (Treasurer Alice Yellowbank, Vice-Chairman George Anthony, Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion failed

Motion made by Councilor Rita Shananaquet and supported by Secretary Fred Harrington Jr., to approve \$48,255.00 in additional funding for implementation of the Wage Grid Study Conducted by Michael Goree.

Motion withdrawn.

Motion made by Councilor Beatrice A. Law and supported by Secretary Fred Harrington Jr., to approve \$44,585.00 in additional funding be added to the 2002 Facilities budget to provide further development of a new Facilities Department.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Beatrice A. Law and supported by Councilor Janet Shomin, to authorize the EDC Deputy Planner to manage the approved EDC Deputy Planner 2002 operation budget in support of Tribal Economic Development issues.

Vote: 5 Yes, 2 No (Chairman Gerald V. Chingwa, Councilor Rita Shananaquet), 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to approve the allocation of \$4,500 from the Capital Improvement category in the Tribal Financial Management Plan to coordinate the bidding process for the Natural Resources Department construction project submitted by DEM Architect Associate Tony Esson.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank, to direct the Tribal Administrator to proceed with the development of plans for a lab in the Environmental Services Department to be funded by the Facilities Budget.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion carried

11:16 am, recessed

11:34 am, reconvened

12:38 pm, Public comment opened, Rosemary Knapp, Catherine Laba

12:43 pm, Public comment closed

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to accept the Tribal Chairman's verbal and written report for September 8, 2002.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0

Abstained, 0 Absent

Motion carried

1:15 pm, recessed for lunch

2:46 pm, reconvened

The Tribal Chair made appointments for Tribal Council to sit on the commissions as Ex-officio members as follows: Treasurer Alice Yellowbank on the Education Commission and Gaming Regulatory Commission, Councilor Beatrice A. Law on the Economic Development Commission, Secretary Fred Harrington Jr. on the Gaming Administration, Vice-Chairman George Anthony on the Natural Resources Commission, Councilor Rita Shananaquet on the Health Board and Housing Commission, Councilor Janet Shomin on the Indian Child Welfare Commission, and Chairman Gerald V. Chingwa on the Enrollment Commission.

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank, to appoint Cheryl Kishigo to the Economic Development Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Fred Harrington Jr., to appoint Wenona Singel to the Economic Development Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to appoint Daugherty Johnson to the Gaming Regulatory Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Secretary Fred Harrington Jr., to appoint Valerie Biro to the Gaming Administration for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet, to appoint Audrey Perry to the Education Commission for a three year term to begin on September 21, 2002.

Vote: 2 Yes, 5 No, (Councilor Beatrice A. Law, Vice-Chairman George Anthony, Chairman Gerald V. Chingwa, Treasurer Alice Yellowbank, Secretary Fred Harrington Jr.) 0 Abstained, 0 Absent

Motion failed

Motion made by Councilor Beatrice A. Law and supported by Secretary Fred Harrington Jr., to appoint Catherine Laba to the Education Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Fred Harrington Jr., to appoint Angie Woodin to the Education Commission for a three year term to begin on September 21, 2002.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet, to appoint Shirley Oldman to the Education Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet, to appoint Eleanor Barber to the Election Board for a three year term to begin on September 21, 2002.

Vote: 2 Yes, 5 No (Councilor Beatrice A. Law, Vice-Chairman George Anthony, Chairman Gerald V. Chingwa, Treasurer Alice Yellowbank, Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent

Motion failed

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to appoint Denise Petoskey to the Election Board for a three year term to begin on September 21, 2002.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to appoint Debbie DeLeon to the Indian Child Welfare Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to appoint Taimi Hoag to the Housing Commission for a three year term to begin on September 21, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Janet Shomin, to approve pay for Gaming Regulatory employee's time off that was promised by their supervisors.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, the Gaming Regulatory Commission Personnel Policies stand as written today and cannot be changed until they are merged with the Governmental Operations Personnel Policies.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet, the Tribal Administrator the Human Resource Director or the Tribal Accountant, do not have the authority to change or modify time sheets of Gaming Regulatory staff.

Vote: 3 Yes, 4 No (Vice-Chairman George Anthony, Councilor Rita Shananaquet, Chairman Gerald V. Chingwa, Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent

Motion failed

4:00 pm, Public comment opened, Catherine Laba, Carol Quinones

4:09 pm, Public comment closed

4:10 pm, Recessed

4:21 pm, Reconvened

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to approve the Little Traverse Bay Bands of Odawa Indians Travel Policies as presented by Michelle Hadley, Chief Financial Officer.

Vote: 4 Yes, 1 No (Vice-Chairman George Anthony), 0 Abstained, 2 Absent (Councilor Rita Shananaquet, Councilor Janet Shomin)

Motion carried

Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law, to enact Waganakising Odawak Statute 2002-007, LTBB Off-Reservation (Ceded Territory) Hunting, Fishing and Gathering with recommended changes to delete references to Grand Traverse Band and Little River Band.

Roll Call Vote: Vice-Chairman George Anthony- yes, Chairman Gerald V. Chingwa- yes, Secretary Fred Harrington Jr.- no, Councilor Beatrice A. Law- yes, Councilor Rita Shananaquet- yes, Councilor Janet Shomin- yes, Treasurer Alice Yellowbank- yes
Vote: 6 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent,
Motion carried

Motion made by Councilor Janet Shomin and supported by Treasurer Alice Yellowbank, to post pone the Wild Area resolution until the next Tribal Council meeting.
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank, to approve \$15,000.00 supplemental funding for Human Services Emergency Funds to come from the Enterprise fund General Welfare Line Item.
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Vice-Chairman George Anthony and supported by Treasurer Alice Yellowbank, to approve Enrollment List A Eligible for Membership, dated August 26, 2002.
Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Chairman Gerald V. Chingwa), 0 Abstained, 0 Absent
Motion carried

Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law, to approve Enrollment List B Declination (Ineligible), dated August 26, 2002.
Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Chairman Gerald V. Chingwa), 0 Abstained, 0 Absent
Motion carried

Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law, to approve Enrollment List C Declination (Lack of Documentation), dated August 26, 2002.
Vote: 5 Yes, 2 No (Chairman Gerald V. Chingwa, Councilor Rita Shananaquet), 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Rita Shananaquet, to approve Burial Fund Request #A0036 for \$5,000.00.
Vote: 7 Yes, No, 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank, to approve Burial Fund Request #A0037 for \$4,056.00.
Vote: 7 Yes, No, 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to approve Burial Fund Request #A0038 for \$5,000.00.

Vote: 7 Yes, No, 0 Abstained, 0 Absent

Motion carried

Motion made by Vice-Chairman George Anthony and supported by Treasurer Alice Yellowbank, to enact WAGANAKISING ODAWAK STATUTE NO. 2002-006, Education Commission Statute.

Roll Call Vote: Vice-Chairman George Anthony- yes, Chairman Gerald V. Chingwa- yes, Secretary Fred Harrington Jr.- yes, Councilor Beatrice A. Law- yes, Councilor Rita Shananaquet- yes, Councilor Janet Shomin- yes, Treasurer Alice Yellowbank- yes

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent,

Motion carried

Motion made by Vice-Chairman George Anthony and supported by Secretary Fred Harrington Jr., to enact WAGANAKISING ODAWAK STATUTE NO. 2002-005, Commissions Committees and Boards Statute.

Roll Call Vote: Vice-Chairman George Anthony- yes, Chairman Gerald V. Chingwa- yes, Secretary Fred Harrington Jr.- yes, Councilor Beatrice A. Law- yes, Councilor Rita Shananaquet- yes, Councilor Janet Shomin- no, Treasurer Alice Yellowbank- yes

Vote: 6 Yes, 1 No (Councilor Janet Shomin), 0 Abstained, 0 Absent,

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law, to approve resolution 090802-01 Low Income Energy Assistance Program.

Roll Call Vote: Vice-Chairman George Anthony- yes, Chairman Gerald V. Chingwa- yes, Secretary Fred Harrington Jr.- yes, Councilor Beatrice A. Law- yes, Councilor Rita Shananaquet- yes, Councilor Janet Shomin- yes, Treasurer Alice Yellowbank- yes

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent,

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin, to accept Michelle Hadley's verbal resignation effective today.

Vote: 2 Yes, 4 No (Councilor Beatrice A. Law, Vice-Chairman George Anthony, Chairman Gerald V. Chingwa, Treasurer Alice Yellowbank), 1 Abstained (Secretary Fred Harrington Jr.) 0 Absent

Motion failed

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony, to deny the Northern Michigan University request for support for a feasibility study.

Vote: 6 Yes, 1 No (Councilor Beatrice A. Law), 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Rita Shananaquet, to deny the request for the support from Harbor Springs Athletics to fund a new score board and goal posts.

Vote: 3 Yes, 4 No (Chairman Gerald V. Chingwa, Councilor Beatrice A. Law, Vice-Chairman George Anthony, Treasurer Alice Yellowbank), 0 Abstained, 0 Absent
Motion fails

Motion made by Treasurer Alice Yellowbank and supported by Councilor Beatrice A. Law, to donate \$6,000.00 to Harbor Springs Athletics to come from the Enterprise Fund Donations line item for a new scoreboard and goal posts at Ottawa Stadium provided that a highly visible form of proper recognition such as a name-plate on the score board is included.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law, to increase the indirect budget by \$4,774.00 to cover a wage and fringe increase to pay for an Administrative Assistant position to the Executive Assistant for 2002 to come from the Enterprise Fund Governmental Operations line item.

Motion withdrawn

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law, to increase the indirect budget by \$9,000.00 to cover a wage and fringe increase to pay for an Administrative Assistant position to the Executive Assistant for FY 2002 to come from the Enterprise Fund Governmental Operations line item.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Beatrice A. Law and supported by Secretary Fred Harrington Jr., to increase the 2003 Tribal Chairman's budget by \$30,000.00 to cover a wage and fringe increase to pay for an Administrative Assistant position to the Executive Assistant for FY 2003 to come from the Enterprise Fund Governmental Operations line item.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent
Motion carried

6:18 pm, Motion made by Councilor Beatrice A. Law and supported by Vice-Chairman George Anthony, to begin an executive session.

Vote: 6 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent
Motion carried

6:19 pm, Secretary Fred Harrington Jr. recused.

6:28 pm, Treasurer Alice Yellowbank departed.

6:30 pm, Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law, to return to open session.

Vote: 5 Yes, 0 No, 0 Abstained, 2 Absent (Secretary Fred Harrington Jr., Treasurer Alice Yellowbank)

Motion carried

6:31 pm, Secretary Fred Harrington Jr. returned.

Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin, to authorize Stanley A Harwood to file a civil complaint on behalf of LTBB plaintiff vs, Frederick Roy Harrington Jr. and Frederick Roy Harrington Jr. DBA Odawa Contracting defendant.

Vote: 5 Yes, 0 No, 1 Abstained (Secretary Fred Harrington Jr.), 1 Absent (Treasurer Alice Yellowbank)

Motion carried

6:35 pm, Motion made by Vice-Chairman George Anthony and supported by Councilor Rita Shananaquet, to adjourn.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Treasurer Alice Yellowbank)

Motion carried

These minutes have been read and approved as written:

Recorded by:

Fred Harrington Jr., Tribal Secretary

Date